

**REMARKS/ARGUMENTS**

Claims 1 and 3-8 are rejected as being anticipated by Ninomiya et al. (US 2003/0055115)

Claim 1 is amended to include the further definition of the resin particle from the specification at page 24. This is not shown or suggested by Ninomiya (US 2003/0055115). This avoids the anticipation.

Claim 2 is rejected as being obvious over Ninomiya et al. (US 2003/0055115) in view of Omura et al. (JP 10-298476). Claim 2 is canceled. However, to avoid that US 2003/0055115 will be applied in combination with Omura, applicants wish to disqualify Ninomiya as a reference:

**STATEMENT OF COMMON OWNERSHIP**

At the time the present invention was made, this application and Ninomiya et al (US 2003/0055115) were commonly owned or under an obligation of assignment to a common owner. Therefore, Ninomiya is disqualified under 35 USC 103(c) as a reference as defined under 35 USC 102(e) for obviousness rejections. The anticipation rejection is avoided as noted above.

Appl. No. 10/789,321

Reply to Office Action of November 1, 2007

**PREDATE NINOMIYA PUBLICATION DATE**

Ninomiya et al was published March 20, 2003 and has a filing date of September 6, 2002. The present application was filed February 26, 2004 but has a priority date of March 5, 2003 based on JP 2003-058324. Therefore, Ninomiya et al is a reference under 35 USC 102(a) but potentially would be a reference only under 35 USC 102(e) if the present claims are entitled to claim priority of JP 2003-058324.

To remove Ninomiya as a 35 USC 102(a) reference, applicants enclose herewith a sworn translation of the previously filed priority application JP 2003-058324. Referring to the translation, support can be found for the present claims throughout. Attention is directed especially to the disclosure at pages 8-10. The general formula in Claim 1 is shown at pages 28-29 of the translation.

In view of the above, Ninomiya is disqualified under 35 USC 103(c) as a reference as defined under 35 USC 102(e).

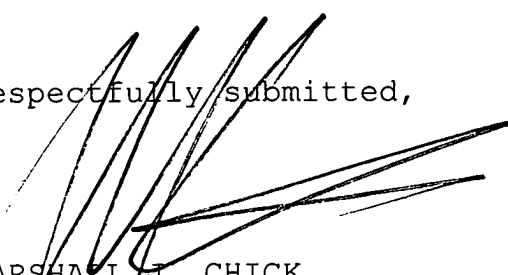
Appl. No. 10/789,321

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Allowance of the application is therefore respectfully  
requested.

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Respectfully submitted,



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**Encs. RCE**

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